



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

BANNER & WITCOFF, LTD.  
TEN SOUTH WACKER DRIVE  
SUITE 3000  
CHICAGO IL 60606

**COPY MAILED**

**MAY 10 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Pettit et al. :  
Application No. 10/747,859 : DECISION ON PETITION  
Filed: December 26, 2003 :  
Atty Docket No. 501247.00298 :

This is in response to the REQUEST FOR ENTRY OF PREVIOUSLY-FILED REPLY AND WITHDRAWAL OF NOTICE OF ABANDONMENT filed December 8, 2006, which is properly treated as a petition under 37 CFR 1.181. This request was recently forwarded to the undersigned for consideration.

The above-identified application became abandoned for failure to file a reply to restriction requirement mailed March 6, 2006. This Office action set a one-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been received and no extensions obtained, the application became abandoned on April 7, 2006. A courtesy Notice of Abandonment was mailed on October 27, 2006.

Applicants filed the instant paper, asserting that a reply in response was timely mailed to the Office on April 4, 2006 (and resubmitted on September 7, 2006). In support thereof, applicants submitted a copy of the response and a copy of the front and back of their itemized return postcard date-stamped April 7, 2006. However, petitioner acknowledges that both submissions (and the postcard) incorrectly identified the Application as Serial No. 10/787,859.

A review of the petition and of the record of the misidentified application confirms that the response as petitioner maintains it was filed was, in fact, filed on April 7, 2006 with the wrong

application number. Moreover, otherwise, the response correctly identified the application to which it was directed by applicant name, filing date, and title. Further investigation reveals that the response with a date of receipt of April 7, 2006, and a certificate of mailing pursuant to 37 CFR 1.8 dated April 4, 2006, was entered in the misidentified application. This has been corrected. The response filed April 7, 2006, has been "moved" from the electronic record of the incorrectly identified application to the record of the instant application. Moreover, the response is considered timely filed.

In view thereof, the notice of abandonment mailed October 27, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center Art Unit 3634 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response filed April 7, 2006 (and resubmitted September 7, 2006).

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal line extending to the right.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions